



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: San Francisco Bay Brand, Inc.

File: B-227988

Date: July 31, 1987

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### DIGEST

To be subject to review by the General Accounting Office (GAO) under the Competition in Contracting Act of 1984 (CICA), a protest must pertain to a procurement of property or services by a federal agency. Protest concerning the right to harvest brine shrimp and brine shrimp eggs at San Francisco Bay National Wildlife Refuge does not involve a procurement of property or services within the meaning of CICA, and the GAO will review it only where the federal agency involved has agreed to such review.

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### DECISION

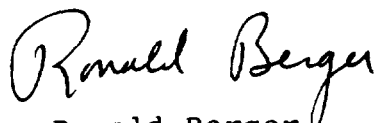
San Francisco Bay Brand, Inc. protests the rejection of its offer to harvest brine shrimp and brine shrimp eggs from the San Francisco Bay National Wildlife Refuge ponds under request for offers No. FWS1-87034(RWG), issued by the Fish and Wildlife Service, U.S. Department of the Interior. Bay Brand contends that the agency unreasonably excluded the firm based on unfounded allegations that Bay Brand had threatened to disrupt the shrimp harvest if it did not receive the contract award.

Under the Competition in Contracting Act of 1984 (CICA), our Office is authorized to review protests concerning proposed contracts for the "procurement of property or services" by a federal agency. See 31 U.S.C. § 3551(1) (Supp. III 1985). Bay Brand's protest concerns a proposed agreement by a private contractor to harvest brine shrimp and brine shrimp eggs on federally-owned property, and, as such, it does not involve a procurement of property or services by a federal agency within the meaning of CICA. Rather, the proposed agreement is more in the nature of a sale by the agency of a license to harvest the shrimp on federally-owned property. As our Bid Protest Regulations indicate, we will review protests concerning sales by a federal agency only if the agency agrees in writing to have its protests decided by our Office, 4 C.F.R. § 21.11(a) (1987); the Department of the

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Interior has not done so. As a result, there is no basis for review of the protest by our Office. See Lone Star Gas Liquids Processing, Inc., B-225707, Mar. 23, 1987, 87-1 C.P.D. ¶ 332.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger  
Deputy Associate  
General Counsel